

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Diamond, Jane
Sent: Wed 2/25/2015 11:14:05 PM
Subject: FW: Question by OCFO's Ed Walsh on Comments by Congressman Ken Calvert's Discussion with DOI Officials During Budget Hearing [Bay Delta]

This explains the email I just sent.

Rep. Calvert's "monkey-wrench" reference regarding EPA begins at **1:10:38** and almost certainly pertains to our submittal of NEPA comments.

From: Maier, Brent
Sent: Wednesday, February 25, 2015 12:47 PM
To: Vendlinski, Tim
Subject: Question by OCFO's Ed Walsh on Comments by Congressman Ken Calvert's Discussion with DOI Officials During Budget Hearing

Tim -

<http://appropriations.house.gov/calendar/eventsingle.aspx?EventID=393988>

Please view video beginning at 55:49 – 1:00:48 for comments by Congressman Calvert mentioning that "EPA has thrown a monkey-wrench" into the process. Not sure if this is in reference to Bay Delta or other EIR/EIS involvement.

Ed Walsh of EPA's OCFO asked if we knew what Congressman Calvert is referring to in this. His interest in asking is that tomorrow, the Administrator will appear at another budget hearing and is likely to receive the same question and he would like to provide her with some intel on what this is in reference to.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

San Francisco Bay-Sacramento/San Joaquin Delta: EPA is contemplating two major actions within the 2014-2015 timeframe:

(1) Bay Delta Conservation Plan (BDCP): On 08/26/14, EPA sent detailed comments to NMFS regarding the Draft Environmental Impact Statement (DEIS) for the proposed project (released in December 2013). The Agency withheld a formal rating on the DEIS in response to a decision by the lead federal agencies (NMFS, USFWS, and USBR) to prepare a supplemental DEIS to address many substantive, outstanding issues raised by EPA, other agencies, and NGOs. EPA's primary concern is that the proposed project would permanently degrade water quality in the Delta, and further erode protections for designated uses such as fish and shellfish propagation. The California Department of Water Resources is the lead agency for the State and has been the stakeholder most resistant to problem-solving dialogue. While the proposed project is framed as a "conservation plan", it is more importantly an engineering plan entailing the construction and operation of two ~35 mile long tunnels that would divert water directly from the Sacramento River in the north for conveyance under the Delta to existing federal and State pumping plants in the South Delta. From there, the water will be sent, as it has been for decades, to the San Joaquin Valley for farming, and to other points southward for municipal and industrial consumption. A recent study by the University of California concluded that the State Water Board and its predecessors have allocated 5x the available supply of freshwater; so the State has created a drought of 'perpetual perception' in the minds of stakeholders because more has been promised than what nature can sustainably deliver.

(2) Bay Delta Water Quality Control Plan (Bay Delta WQCP): EPA is working with the California State Water Resources Control Board (State Water Board) on a comprehensive revision to the Bay Delta WQCP; the first comprehensive update since 1995. Phase 1 of the process involves setting flow objectives on the lower San Joaquin River and South Delta; Phase 2 of the process involves setting flow objectives for the interior Delta downstream to Carquinez Strait. In March 2013, EPA raised concerns that the proposed flow objective for Phase 1 (35% of the historical "unimpaired flow" on the

lower San Joaquin River) would not protect designated uses, including reproduction and survival of Chinook salmon. In response to comments from EPA and others, the State Water Board is revising the Phase 1 document, but its release has been significantly delayed as the same staff from the State Water Board has been working intensively to respond to the drought emergency. (SEPT 2014)